

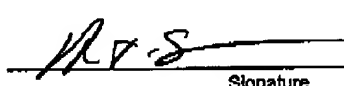
Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0551-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) MS1-527US		<b>RECEIVED CENTRAL FAX CENTER OCT 07 2005</b>
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]		Application Number 09/670,916	Filed 9/29/2000	
on _____ Signature _____ Typed or printed name _____		First Named Inventor Mariusz H. Jakubowski		
		Art Unit 2131	Examiner Jackson, Jenise E.	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.				
This request is being filed with a notice of appeal.				
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.				
I am the		 Signature Allan T. Sponseller Typed or printed name (509) 324-9256 x215 Telephone number 10/7/05 Date		
<input type="checkbox"/>	applicant/inventor.			
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/>	attorney or agent of record. 38318 Registration number _____			
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.				
<input type="checkbox"/>	*Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Pre-Appeal Brief Conference Remarks

Claims 1-44 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,735,311 to Rump et al. (hereinafter "Rump"). Rump discusses a multimedia data stream having a beginning and an end, and which is accompanied by a definition data block (see, col. 5, lines 7-10). The definition data block consists of two parts, namely a fixed part 10 and a variable part 30 (see, Fig. 1, Fig. 2, and col. 5, lines 16-18).

The definition data block includes a checksum. This checksum consists of an MD5 fingerprint of the definition data block, or the definition data block and also a specified number of multimedia data to which the described definition data block is assigned (see, col. 6, lines 38-44 and 51-57).

The definition data block also includes a free index. The free index contains a serial number which is a 32-bit long serial number which identifies the multimedia data, and user data which is the first 12 bytes of the MD5 fingerprint of part of the multimedia data block (see, col. 8, lines 37-44). When a deciphering is enacted, a check is made to see whether the MD5 number calculated from the multimedia data agrees with the MD5 number in the free index (see, col. 8, lines 54-57).

With respect to claim 1, however, nowhere does Rump disclose determining a new block to add to a checker module to offset an incorporated original checkpoint value such that subsequent generation of a checkpoint value for the checker module equals the original checkpoint value for the checker module as recited in claim 1. There is no discussion or mention of determining a new block to add to a checker module to offset an incorporated original checkpoint value in Rump. The checksum and free index values of Rump are

simply added to the definition data block of Rump; there is no discussion or mention of determining any new block to add to a checker module to offset either the checksum value or the free index value added to the definition data block of Rump.

In the April 7, 2005 Office Action at ¶ 3, p. 2, the data block that contains the checksum value in Rump is cited as disclosing the checker module of claim 1. If the data block that includes the checksum (definition data block 10, 30) is the checker module, then to satisfy the language of claim 1, a checkpoint value would have to be incorporated into the definition data block, and then a new checkpoint value generated for the definition data block and a new block added to the definition data block to offset the new checkpoint value such that subsequent generation of a checkpoint value for the definition data block equals the original checkpoint value for the definition data block. However, no discussion or mention of such generation of a new block to add to the definition data block can be found anywhere in Rump. Applicant submits that simply calculating MD5 fingerprints as discussed in Rump does not provide any disclosure of such generation of a new block to add to the definition data block.

Additional arguments supporting the allowability of claim 1 are also found in Applicant's Response to the July 2, 2004 Office Action at pp. 16-19.

With respect to claim 10, Applicant submits that nowhere does Rump disclose applying cyclic integrity verification to an object based on a plurality of segments as recited in claim 10. As discussed in Applicant's specification at, for example, page 14, line 23 – page 15, line 6, and page 18, lines 3-14, cycles

of integrity verification can be created. An example of such a cycle is segment A verifying the integrity of segment B, which in turn verifies the integrity of segment A. Such cyclic integrity verification can be troublesome, because generating a checkpoint value for segment A and storing it in segment B would change the checkpoint value that is generated for segment B and stored in segment A, which would then change the checkpoint value for segment A, and so on.

There is nothing cyclic about the checksum or the free index of Rump. Rather, the checksum and free index are simply serial number or MD5 values that are generated and stored in the definition data block. Rump does not discuss or mention any cycles, and Rump does not discuss or mention that the checksum or free index create any cycles involving the checksum, the free index, or the definition data block. As there is no discussion or mention of such cycles in Rump, Applicant submits that Rump cannot disclose cyclic integrity verification, much less applying cyclic integrity verification to the object based on the plurality of segments as recited in claim 10.

Additional arguments supporting the allowability of claim 10 are also found in Applicant's Response to the July 2, 2004 Office Action at pp. 20-21.

With respect to claim 15, Applicant submits that, similar to the discussion above regarding claim 1, Rump does not disclose modifying each of the plurality of segments so that the addition of the checkpoint value to the segment is offset and the checkpoint value for the segment remains the same as recited in claim 15. With respect to claim 25, Applicant submits that, similar to the discussion above regarding claim 1, Rump does not disclose adding an

With respect to claim 38, Applicant submits that, similar to the discussion above regarding claim 10, Rump does not disclose the plurality of segments further include a plurality of checkpoints that identify a circular ordering of verifying the integrity of the segments as recited in claim 38. With respect to claim 41, Applicant submits that, similar to the discussion above regarding claim 10, Rump does not disclose the production server being configured to parse the original program into a plurality of segments and apply cyclic integrity verification to the plurality of segments as recited in claim 41. With respect to claim 44, Applicant submits that, similar to the discussion above regarding claim 10, Rump does not disclose a production server to apply cyclic integrity verification to a program to produce a protected program as recited in claim 44.

For at least these reasons, Applicant submits that claims 1-44 are allowable over Rump.